

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

VICTOR W. FOSTER

v.

THE BANK OF NEW YORK MELLON
f/k/a THE BANK OF NEW YORK, as
TRUSTEE (CWALT 2004-22CB), and
BAYVIEW LOAN SERVICING, L.L.C.

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Civil Action No. 4:17-CV-319
(Judge Schell/Judge Nowak)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

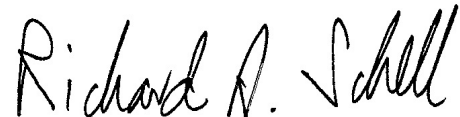
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On May 10, 2018, the report of the Magistrate Judge (Dkt. #48) was entered containing proposed findings of fact and recommendations that Defendants the Bank of New York Mellon, f/k/a The Bank of New York, as Trustee (CWALT 2004-22CB), and Bayview Loan Servicing, L.L.C.'s (collectively the "Defendants") Motion for Summary Judgment (Dkt. #46) be granted.

Having received the report of the Magistrate Judge, and no objections thereto having been timely filed, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

It is, therefore, **ORDERED** that Defendants' Motion for Summary Judgment (Dkt. #46) is **GRANTED**. Plaintiff's claims against Defendants are hereby **DISMISSED** with prejudice.

IT IS SO ORDERED.

SIGNED this the 13th day of June, 2018.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE